United States Courts Southern District of Texas JUN 1 2 2002 UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF TEXAS Michael N. Milby, Clark **HOUSTON DIVISION** MARK NEWBY, \$ \$ \$ \$ \$ \$ \$ Plaintiff V. Consolidated Lead No. H-01 ENRON CORP., ET AL., Defendants INVESTORS PARTNER LIFE INSURANCE COMPANY, JOHN HANCOCK LIFE INSURANCE COMPANY, and JOHN HANCOCK VARIABLE LIFE INSURANCE COMPANY, Individually and on Behalf of All Others Similarly Situated, **Plaintiffs** V. Civil Action No. H-02-1364

NOTICE OF MOTION AND MOTION OF HANCOCK FOR APPOINTMENT OF LEAD PLAINTIFF AND FOR APPROVAL OF LEAD PLAINTIFF'S CHOICE OF COUNSEL

KENNETH L. LAY, et al.

Defendants

PLEASE TAKE NOTICE, that upon the accompanying Affidavit of Mark M. Strauss, sworn to on June 12, 2002 and the exhibits attached thereto; the accompanying Memorandum of Law; and all of the prior pleadings and proceedings herein, Investors Partner Life Insurance Company, John Hancock Life Insurance Company (formerly John Hancock Mutual Life Insurance Company), and John Hancock Variable Life Insurance Company (collectively, "the Hancock Plaintiffs") will and

hereby do move this Court for an order pursuant to §21D(a)(3)(B) of the Securities Exchange Act of 1934:

- To appoint the Hancock Plaintiffs as Lead Plaintiff in a class action asserting claims 1. on behalf of purchasers of non-publicly traded debt securities of Enron or of Enron affiliates guaranteed directly or indirectly by Enron, as more specifically defined in the complaint in the above-captioned action; and
 - 3. To approve Hancock's choice of counsel.

Dated: June 12, 2002

ELLIS, CARSTARPHEN, DOUGHERTY & GOLDENTHAL P.C.

By:

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Proposed Lead Counsel

CERTIFICATE OF SERVICE

I hereby certify that according to Rule 5 of the Federal Rules of Civil Procedure and the Order Regarding Service of Papers and Notice of Hearings filed in this case, on the 12th day of June 2002, a copy of the foregoing has been posted to the ESL3624 website and sent by United States first class mail to all known counsel of record.

Edward M. Carstarphen

Elward M. Carstyphi